

Attorney Ref. No. 012,P1009

Patent**REMARKS**

The present patent application has been reviewed in light of the final office action, dated March 8, 2006. Reconsideration and further examination of the claims of the present patent application is respectfully requested in view of the following remarks.

In reviewing the file history for the above-referenced patent application and comparing it with the file history for US patent application serial no. 10/873,784, which claims priority to the above-referenced patent application, it was noted that the response filed on February 17, 2005 was meant to be filed in US patent application serial no. 10/873,784. In fact, the claims rejected by the Examiner were not properly entered as a result. Nonetheless, for the sake of clarity, the present amendment cancels claims 2-59 and adds claims 60-77, which are intended to be identical to claims 2-19, previously allowed in the notice of allowance dated June 21, 2004. It is asserted that no prosecution history estoppel should result because this action, in effect, restores the claims prior to the February 17, 2005 amendment, which was filed in the above-referenced patent application in error.

It is therefore respectfully requested that the Examiner withdraw the current rejections and allow all the pending claims. Likewise, it is noted that Assignee's failure to comment directly upon any of the positions asserted by Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3703.

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Conclusion


In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Respectfully submitted,

Berkeley Law & Technology Group, LLC

Dated: \_\_\_\_\_

8/31/06

  
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